

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christina Vuong	Team: Team # 3	CCRB Case #: 201112833	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 09/29/2011 3:30 AM, Saturday, 10/01/2011	Location of Incident: Flatlands and Williams Avenue; 75th Precinct Stationhouse	Precinct: 75	18 Mo. SOL 3/29/2013	EO SOL 3/29/2013	
Date/Time CV Reported Sat, 10/01/2011 4:19 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 10/01/2011 4:19 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Kaz Daughtry	28690	940052	075 PCT
2. POM Anthony Lee	28870	938833	075 PCT
3. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jose Alvarez	10396	941343	075 PCT
2. POM Matthew Zappia	04152	949824	075 PCT
3. POM Randolph Olds	31957	935430	075 PCT
4. LT Kenneth Winters	00000	927683	075 PCT
5. SGT Mohammed Karimzada	00786	905598	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Anthony Lee	Discourtesy: On September 29, 2011, PO Anthony Lee spoke obscenely to § 87(2)(b) at Flatlands and Williams Avenue in Brooklyn.	
B.POM Kaz Daughtry	Off. Language: On September 29, 2011, PO Kaz Daughtry made offensive comments to § 87(2)(b) at Flatlands and Williams Avenue in Brooklyn.	
C.POM Anthony Lee	Abuse: On September 29, 2011, PO Anthony Lee searched the car in which § 87(2)(b) was an occupant at Flatlands and Williams Avenue in Brooklyn.	
D. An officer	Discourtesy: On September 29, 2011, an officer spoke obscenely to § 87(2)(b) at Flatlands and Williams Avenue in Brooklyn.	
E.POM Kaz Daughtry	Abuse: On October 1, 2011, PO Kaz Daughtry did not process § 87(2)(b)'s complaint regarding an officer at the 75th Precinct stationhouse.	
F.POM Kaz Daughtry	Abuse: On October 1, 2011, PO Kaz Daughtry threatened to arrest § 87(2)(b) at the 75th Precinct stationhouse.	

Case Summary

On October 1, 2011, § 87(2)(b) filed the following complaint with the Civilian Complaint Review Board (CCRB) via its Call Processing System (CPS) (encl. B1-2).

On September 29, 2011, § 87(2)(b) was arrested for § 87(2)(b) and brought to a staging area at Flatlands Avenue and Williams Avenue in Brooklyn. On October 1, 2011, § 87(2)(b) went in-person to the 75th Precinct stationhouse to file a civilian complaint. The following allegations resulted:

Allegation A: On September 29, 2011, PO Anthony Lee spoke obscenely to § 87(2)(b) at Flatlands Avenue and Williams Avenue in Brooklyn.

Allegation B: On September 29, 2011, PO Kaz Daughtry made offensive comments to § 87(2)(b) at Flatlands Avenue and Williams Avenue in Brooklyn.

Allegation C: On September 29, 2011, PO Anthony Lee searched the car in which § 87(2)(b) was an occupant at Flatlands Avenue and Williams Avenue in Brooklyn.

§ 87(2)(g)

Allegation D: On September 29, 2011, an officer spoke obscenely to § 87(2)(b) at Flatlands Avenue and Williams Avenue in Brooklyn.

§ 87(2)(g)

Allegation E: On October 1, 2011, PO Kaz Daughtry did not process § 87(2)(b)'s complaint regarding an officer at the 75th Precinct stationhouse.

Allegation F: On October 1, 2011, PO Kaz Daughtry threatened to arrest § 87(2)(b) at the 75th Precinct stationhouse.

§ 87(2)(g)

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b)

CCRB Statement

On October 11, 2011, § 87(2)(b) provided an in-person statement to the Civilian Complaint Review Board (CCRB). On January 23, 2012, and January 24, 2012, he provided additional phone and e-mail statements (encl. B3-12). On October 11, 2011, § 87(2)(b)'s complaint of missing property was referred to the Internal Affairs Bureau under log number 11-45684.

On September 29, 2011 at approximately 3:30 a.m., § 87(2)(b) was arrested for § 87(2)(b) at Wortman Avenue and Alabama Avenue in Brooklyn by two plainclothes officers identified via investigation to be PO Anthony Lee and Lt. Kenneth Winters of the 75th Precinct. § 87(2)(b) provided PO Lee's name which he later obtained verbally, and he described PO Lee as a 5'5" tall black male with a round forehead, and Lt. Winters as a 5'5" tall bald Caucasian male. PO Lee handcuffed § 87(2)(b) while Lt. Winters drove § 87(2)(b)'s car away. PO Lee drove § 87(2)(b) to the IHOP parking lot on Flatlands and Williams Avenue, where many other officers and prisoners were gathered.

In the IHOP parking lot, § 87(2)(b) states that multiple officers were laughing at § 87(2)(b). § 87(2)(b) got in a verbal argument with an officer he described as a 6'3" tall black male with a slim build and short hair, identified by the investigation to be PO Kaz Daughtry of the 75th Precinct. PO Daughtry said "Look at his wallet for a benefits card." § 87(2)(b) said that he did not have a benefits card. PO Daughtry then said, "I make \$77,000 a year. You live in the projects. You don't make anything." Another prisoner, described as an Arabic-speaking man with a lisp witnessed this. The prisoner was in the 75th Precinct stationhouse holding cell along with § 87(2)(b). § 87(2)(b) also interacted with a plainclothes sergeant whose name began with the letter "K" and whom he heard other officers present address as "Sarge," identified via the investigation to be Sgt. Karimzada of the 75th Precinct.

PO Lee handed § 87(2)(b) off to PO Matthew Zappia of the 75th Precinct, identified by name and shield number by § 87(2)(b). PO Zappia walked § 87(2)(b) to the prisoner van. § 87(2)(b) complained that his handcuffs were too tight and he could not feel his fingers and requested an ambulance. None of the officers did anything or responded to his complaint, only saying that the handcuffs will come off at the precinct.

PO Lee came up to the driver's side of the van § 87(2)(b) was sitting in and said through the window, "Let me get this asshole's keys." An unidentified officer whom § 87(2)(b) could not describe, said to PO Zappia, "Zappia, give me this asshole's keys to his car." PO Lee used § 87(2)(b)'s keys to open the driver and passenger door, and pop open the trunk. § 87(2)(b) saw PO Lee look through § 87(2)(b)'s armrest, glovebox, and trunk. § 87(2)(b) shouted from the van, "What are you doing in my car again? You need a warrant for that. Now you're trying to put something in. What are you looking for?" PO Lee stopped his search, walked back to the van, and put the car keys back inside the envelope.

While inside the holding cell, § 87(2)(b) requested PO Lee's name, which PO Lee provided as "Lee." § 87(2)(b) complained of hand pain from the tightness of the handcuffs. After additional requests for medical treatment, § 87(2)(b) was transported to § 87(2)(b) and released soon afterwards.

§ 87(2)(b) was then taken to Brooklyn Central Booking. He was released without charges § 87(2)(b). § 87(2)(b) denied having marijuana in his possession on that night. § 87(2)(b) went home and discovered that not all of his vouchered property, which included money, and various sets of keys, had been returned to his wife.

On October 1, 2011 at approximately 4:00 p.m., § 87(2)(b) went to the 75th Precinct stationhouse on 1000 Sutter Avenue in Brooklyn to file an IAB complaint regarding the officers, circumstances of his arrest, his missing property, and improper vouchering of property. § 87(2)(b) had shaved his beard off since the arrest. § 87(2)(b) saw a plaque on the wall that said complaints could be filed at any precinct.

§ 87(2)(b) went up to the glass window. § 87(2)(b) recognized PO Daughtry in the area behind the glass. Sgt. Karimzada was also present but went into a different room shortly after § 87(2)(b) arrived. PO Daughtry said, "What are you doing here?" § 87(2)(b) replied that he was waiting to speak to an

officer to file a report on PO Daughtry. PO Daughtry told § 87(2)(b) to call 311. § 87(2)(b) verbally asserted his right to file a complaint in the precinct. PO Daughtry went around the officer area, grabbed the IAB papers, and threw the papers to § 87(2)(b) saying, “Here go your papers, now get out. If you don’t get out, I’m going to lock you up.” § 87(2)(b) replied, “Lock me up for what? Filing a report?” PO Daughtry repeated, “Get out, get out.” PO Daughtry opened the door and pushed § 87(2)(b) three times. § 87(2)(b) left the stationhouse and called the CCRB. No summons was issued or arrest made as a result of this incident.

Attempts to Contact Civilians

§ 87(2)(b) referenced an Arabic-speaking prisoner as his witness to allegations at the staging area. A cross-check of the 75th Precinct Command Log and Prisoner Holding Pen on September 29, 2011 revealed that § 87(2)(b) was also arrested for § 87(2)(b). § 87(2)(g) On December 7, 2011 and December 28, 2011, two please call letters were mailed to § 87(2)(b) address, which was confirmed via the Command Log, a New York State Department of Motor Vehicles database check, and a Lexis Nexis search. Neither of the letters have been returned to the CCRB marked “return to sender.” Between December 7, 2011 and January 19, 2012, three calls were placed to a phone number found via a Lexis Nexis search connected to § 87(2)(b) address but marked as “may be disconnected”; however, the number was not in service. No response was received to any outreach effort.

NYPD Statements:

Subject Officer: PO KAZ DAUGHTRY (75th Precinct)

- *PO Daughtry is a 6’0” tall, 195lb, § 87(2)(b) -old black male with black hair and brown eyes.*
- *On September 29, 2011, PO Daughtry was assigned to the Losing Proposition operation and partnered with Lt. Kenneth Winters and Inspector Charles Maddrey in RMP 1750. PO Daughtry worked from 10:00 p.m. on September 28, 2011 to 6:35 a.m. on September 29, 2011. PO Daughtry was dressed in uniform. On October 1, 2011, PO Daughtry worked from 3:00 p.m. to 11:35 p.m. and was assigned to assist Inspector Maddrey.*

Memobook

PO Daughtry had no memobook entries about this particular incident on either incident date (encl. C1-3). On September 29, 2011 at 1:00 a.m., PO Daughtry marked a tactical meeting at the 75th Precinct for the prostitution operation, and that numerous arrests were made. At 7:30 a.m., he marked the end of tour. On October 1, 2011, at 3:00 p.m., PO Daughtry was present for duty at the 75th Precinct stationhouse desk. At 3:30 p.m., he was assigned to community operations. At 8:00 p.m., PO Daughtry processed arrests of Occupy Wall Street protesters.

CCRB Statement

On January 19, 2012, PO Daughtry provided a statement to the CCRB. On April 24, 2012, PO Daughtry was re-interviewed (encl. C4-7).

On September 29, 2011 at 3:30 a.m., officers were conducting a prostitution sting to address prostitution problems in the neighborhood. PO Daughtry was acting as an assistant to Inspector Maddrey, and his responsibility was to make sure that rookie officers followed proper procedure at the operation staging area to search and secure the prisoner. No vehicle searches of the john’s car would be done on the scene.

PO Daughtry recalled briefly interacting with § 87(2)(b) for “less than a second” at the staging area. PO Daughtry did not recall which officers were in the vicinity during his interaction with § 87(2)(b). PO Daughtry described § 87(2)(b) as intoxicated, as evidenced by his verbal belligerence, odor of alcohol, and bloodshot eyes. § 87(2)(b) was upset about his arrest and insisted that the undercover solicited him. PO Daughtry is unsure of which team apprehended § 87(2)(b). § 87(2)(b) told PO Daughtry that officers make only \$25,000 a year. No reference was made to § 87(2)(b)'s housing situation or living situation. § 87(2)(b) was the only party using profanity, and he used every curse word “in the book.” PO Daughtry only said “Be calm, you’re going to make this worse” to § 87(2)(b).

PO Daughtry was presented with the operation roll call and stated that it was only a tentative roll call and that he was not part of a chase team as listed.

On October 1, 2011 between 3:00 p.m. and 4:00 p.m., PO Daughtry was on administrative duty working in the office of the commanding officer, located towards the front of the 75th Precinct stationhouse. He stated that this office was not visible to civilians. PO Daughtry was presented with § 87(2)(b)'s arrest photograph. PO Daughtry did not recall any interaction with § 87(2)(b) at the stationhouse on the second incident date.

Subject Officer: PO ANTHONY LEE (75th Precinct)

- *PO Lee is a 5’7” tall, 135lb, § 87(2)(b)-old medium-skinned black male with black hair and brown eyes.*
- *On September 29, 2011, PO Lee was assigned to the Losing Proposition operation and partnered with Lt. Kenneth Winters and PO Kevin Olds. They were assigned to an unmarked black Impala. PO Lee worked from 9:36 p.m. on September 28, 2011 to 6:11 a.m. on September 29, 2011. PO Lee was dressed in plainclothes.*

Memobook

PO Lee had no memobook entries about this particular incident (encl. C8-10). At 9:36 p.m., PO Lee marked the start of his second tour. At 5:30 a.m., PO Lee marked the arrest of a black female for loitering for prostitution. At 6:11 a.m., PO Lee marked the end of his tour.

CCRB Statement

On December 30, 2011, PO Lee provided a statement to the CCRB (encl. C10-11).

PO Lee did not recall interacting with § 87(2)(b) even after presented with § 87(2)(b)'s arrest photo.

PO Lee explained his role in the operation as part of a chase team. Once a signal was given over the radio (point-to-point) that an individual had accepted the prostitution services from an undercover, the chase team would take the suspect into custody and PO Lee would drive the suspect’s vehicle to the staging area. PO Lee was unsure if he ever drove § 87(2)(b)'s vehicle to the staging area, as there were multiple chase cars and multiple individuals driving vehicles were arrested during the operation. PO Lee stated that officers at the staging area assigned to the prisoner van would record the arrest in their memobook, voucher any property, and process the arrest. The chase team would immediately go back out to apprehend additional individuals.

PO Lee stated that his only role was to drive cars and he denied personally searching any. PO Lee stated that he did not use profanity against any prisoner.

Witness Officer: Lt. KENNETH WINTERS (75th Precinct)

- *Lt. Winters is a 5'8" tall, 225lb, § 87(2)(b) -old, bald white male.*
- *On September 29, 2011, Lt. Winters was assigned to the Losing Proposition operation and partnered with PO Kevin Olds and PO Anthony Lee in unmarked black Impala #1000. Lt. Winters was the driver. Lt. Winters worked from 9:00 p.m. on September 28, 2011 to 5:45 a.m. on September 29, 2011 and was dressed in plainclothes.*

Memobook

Lt. Winters had no memobook entries specific to this incident (encl. C13-15). At 1:00 a.m., Lt. Winters noted a tactical meeting at the 75th Precinct stationhouse regarding the location of the prostitution operation.

CCRB Statement

On January 11, 2012, Lt. Winters provided a statement to the CCRB (encl. C16-17).

Lt. Winters did not recall the incident or any interaction with § 87(2)(b) even after presented with § 87(2)(b)'s arrest photo. Lt. Winters described the operation set-up. Undercover female officers would solicit "johns" as an officer watched. A callout would be made to chase car providing a vehicle description and the agreed exchange. The john would be arrested, and his car would be driven separately to the staging area. At the staging area, the john would be subject to a more thorough search and have his property vouchered by prisoner van officers. The chase team would immediately go back out to apprehend additional individuals. The john would eventually be placed inside the prisoner van, which, once full, would be driven to the stationhouse for arrest processing.

Lt. Winter's role in the operation was a chase team. He was the driver of the unmarked car for the duration of the operation. Once a perpetrator was stopped, Lt. Winters, PO Olds, and PO Lee would all approach as a team and execute the arrest as well as a search incident to arrest to ensure no weapons. Either PO Lee or PO Olds would drive the perpetrator's vehicle to the staging area. Lt. Winters stated that generally nothing is done to the vehicle at the arrest location. The vehicle would be vouchered if the perpetrator was the sole owner.

The turnaround time at the staging area is 30 seconds before the chase team would head back out. Lt. Winters did not observe any profanity exchanged between the officers and prisoners. Lt. Winters is the only bald male on the operation roll call. He stated that PO Daughtry and PO Johnson are black males.

Witness Officer: PO KEVIN OLDS (75th Precinct)

- *PO Olds is a 5'6" tall, 185lb, § 87(2)(b) -old, medium-skinned black male with brown hair and brown eyes.*
- *On September 29, 2011, PO Olds had the same tour and assignment as PO Lee.*

Memobook

PO Olds had no memobook entries specific to this incident (encl. C18-21). PO Olds marked his tour assignment as prostitution sweep and notated the arrests of two females for loitering for prostitution between 3:28 a.m. and 5:02 a.m.

CCRB Statement

On January 10, 2012, PO Olds provided a statement to the CCRB (encl. C22-23).

PO Olds was presented with § 87(2)(b)'s photo and his arrest report, but did not recall § 87(2)(b) or the incident. PO Olds corroborated Lt. Winter and PO Lee's testimony that either PO Olds or PO Lee would drive the john's car back to the staging area. PO Olds stated that Lt. Winters was the only bald male on the team and that PO Daughtry is a 6'3" tall black male.

Witness Officer: PO MATTHEW ZAPPIA (75th Precinct)

- PO Zappia is a 5'11" tall, 220lb, § 87(2)(b)-old white male with brown hair and brown eyes.
- On September 29, 2011, PO Zappia was assigned to the prisoner van during a Losing Proposition operation. He worked from 10:05 p.m. on September 28, 2011 to 6:40 a.m. on September 29, 2011 and was partnered with PO DiGioia and PO Graves. The officers were dressed in uniform and assigned to marked van #8385.

Memobook

PO Zappia had no memobook entries specific to this incident (encl. C24-26). PO Zappia marked his tour assignment as the prostitution operation. At 1:46 a.m., PO Zappia was situated at Flatlands and Louisiana Avenues. At 4:16 a.m., PO Zappia transported seven male perpetrators to the 75th Precinct stationhouse. At 5:10 a.m., PO Zappia noted that he had recovered \$30 from § 87(2)(b)'s pockets and \$202 from his person at Flatlands and Louisiana Avenues.

Arrest Evidence Voucher

A Ziploc bag of marijuana was found by PO Zappia and vouchered in relation to § 87(2)(b)'s arrest (encl. E44). It does not explain how or from where the marijuana was recovered.

CCRB Statement

On December 28, 2011, PO Zappia provided a statement to the CCRB (encl. C27-28).

On September 29, 2011 at 3:30 a.m., PO Zappia was assigned to one of two prisoner vans at the operation staging area. PO Zappia's role at the staging area was limited to safeguarding prisoner's property, securing the prisoner, and transporting the prisoner back to the stationhouse.

PO Zappia recalled that § 87(2)(b) was in his custody. § 87(2)(b) was agitated and cursing at officers, directing his comments to no particular officer. PO Zappia could not recall what exactly § 87(2)(b) was saying. PO Zappia did not recall any officer responding to § 87(2)(b). PO Zappia does not know what happens to vehicles once they are brought to the staging area or whether anything in the car was vouchered.

PO Zappia was presented with the evidence voucher and recalled that the marijuana was found on § 87(2)(b)'s person in the holding cell at the stationhouse. PO Zappia thought that the bag was empty but the cell attendant told him there was actually marijuana and the bag was subsequently vouchered.

Witness Officer: Sgt. MOHAMMED KARIMZADA (75th Precinct)

- *Sgt. Karimzada is a 5'11" tall, 185lb, § 87(2)(b) -old, American Indian male with black hair and brown eyes.*
- *On September 29, 2011, Sgt. Karimzada was assigned to the prostitution operation. He was working with PO Kaz Daughtry and PO Trevor Barton in an unmarked silver Jeep Cherokee (#8318). Sgt. Karimzada worked from 11:57 p.m. on September 28, 2011 to 8:54 a.m. on September 29, 2011 and was dressed in plainclothes.*

Memobook

Sgt. Karimzada has no memobook entries specific to this incident (encl. C29-31). Sgt. Karimzada marked his tour assignment as the prostitution operation. At 1:00 a.m., Sgt. Karimzada noted a tactical meeting in regards. At 6:00 a.m., he marked fifteen persons arrested.

CCRB Statement

On January 24, 2012, Sgt. Karimzada provided a statement to the CCRB (encl. C32-33).

Sgt. Karimzada did not recall the incident. He was presented with a photo of § 87(2)(b) but did not recall the individual. He stated that the cars of the individuals arrested would be taken to the staging area, secured, and left at the parking lot to see if they will be vouchered or not. Sgt. Karimzada stated that a search for possible weapons inside the vehicle might be done at the staging area, but Sgt. Karimzada was not aware of any done.

At the staging area, Sgt. Karimzada did not observe any officer or prisoner using profanity or broaching the topic of salary, [housing projects], or benefits card.

Sgt. Karimzada stated that PO Barton and PO Daughtry were his partners for the duration of the tour. Sgt. Karimzada was shown the operation roll call and identified PO Lee and PO Olds as 5'5" tall black males; he identified PO Daughtry as a 6' tall black male with medium or dark complexion.

Witness Officer: PO JOSE ALVAREZ (75th Precinct)

- *PO Alvarez is a § 87(2)(b) -old, 5'11" tall, 205lb Hispanic male with black hair and brown eyes.*
- *On September 29, 2011, PO Alvarez was partnered with PO Mario Gandini and assigned to patrol sectors B and C in RMP#4981. PO Alvarez was dressed in uniform and worked from 12:00 a.m. to 8:00 a.m.*

Memobook

PO Alvarez had no memobook entries specific to this incident (encl. C34-37). However, at 6:50AM, PO Alvarez marked that he was assigned three arrests related to patronizing a prostitute, one of which was

§ 87(2)(b)

Criminal Complaint Report and OLBS

On September 29, 2011, PO Alvarez completed criminal complaint report § 87(2)(b) regarding alleged § 87(2)(b), § 87(2)(a) 160.50 (encl. C38-39). PO Alvarez completed the arrest paperwork for § 87(2)(b) for the crimes reported in the criminal complaint (encl. C40-42).

CCRB Statement

On December 29, 2011, PO Alvarez provided a statement to the CCRB (encl. C43-44).

PO Alvarez was not present for any of the allegations. PO Alvarez was unaware of the prostitution operation until he was assigned § 87(2)(b)'s arrest by an unidentified sergeant and processed the relevant paperwork.

Medical Records

§ 87(2)(b) was transported to § 87(2)(b) on September 29, 2011. He was diagnosed with thumb strain and released the same day (encl. D1-18). He informed medical personnel that he was handcuffed for 12 hours.

NYPD Documents

Command Log and Prisoner Holding Pen

A review of the Tour 1 75th Precinct Command Log and Prisoner Holding Pen on September 29, 2011

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]

Losing Proposition Roll Call

A review of the Roll Call showed that twenty-one officers, including four supervisors, were assigned to Operation Losing Proposition in various capacities: supervisor, ghost, chase, prisoner van, and undercover (encl. E32). PO Daughtry is listed as part of a chase team.

Arrest Disposition

No record exists for the disposition of § 87(2)(b)'s arrest (encl. F6-13).

Status of Civil Proceedings

- As of March 19, 2012, § 87(2)(b) has not filed a Notice of Claim with the City of New York with regard to the incidents (encl. F1-5).

Civilian Criminal History

- § 87(2)(b), § 87(2)(c)
[REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]

Civilian CCRB History

- § 87(2)(b)
[REDACTED]
[REDACTED]
[REDACTED]

- § 87(2)(b)
-
-
-
-

Subject Officers' CCRB History

- PO Daughtry has been a member of the service for 6 years and there are two substantiated CCRB allegations against him (encl. B1-2).
 - In CCRB case number 200710793, PO Daughtry pled guilty to pointing his gun at and threatening the use of force against a civilian, and was penalized 10 vacation days.
- PO Lee has been a member of the service for 7 years and there are no substantiated CCRB allegations against him (encl. B3).

Conclusion

Identification of Subject Officers

§ 87(2)(b) implicated two officers as involved in his arrest—a 5'5" tall black male with a round forehead, and a 5'5" tall bald white male. Lt. Winters is identified as the only bald male on the team and he was partnered with PO Lee and PO Olds at the time of the incident. § 87(2)(b) provided the name of the black officer as "Detective Lee," which PO Lee verbally provided to him upon request at the precinct stationhouse. PO Lee matches § 87(2)(b)'s description of a 5'5" tall black male with a round forehead in that PO Lee is a 5'7" tall, 135lb black male. PO Olds, the third member of the chase team, is a 5'6" tall, 185lb black male with a similar skin complexion as PO Lee. None of the officers recalled interacting with § 87(2)(b) § 87(2)(g)

PO Daughtry acknowledged that he interacted with § 87(2)(b) on September 29, 2011 at Flatlands Avenue and Williams Avenue in Brooklyn. PO Daughtry confirmed that he was on administrative duty at the stationhouse at the time of the second incident. PO Daughtry matches § 87(2)(b)'s description of a slim-built 6'3" tall black male in that PO Daughtry is a 6'0" tall, 195lb black male. In addition, PO Daughtry was identified by multiple officers interviewed as fitting § 87(2)(b)'s description. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A: On September 29, 2011, PO Anthony Lee spoke obscenely to § 87(2)(b) at Flatlands Avenue and Williams Avenue in Brooklyn.

Allegation B: On September 29, 2011, PO Kaz Daughtry made offensive comments to § 87(2)(b) at Flatlands Avenue and Williams Avenue in Brooklyn.

Allegation C: On September 29, 2011, PO Anthony Lee searched the car in which § 87(2)(b) was an occupant at Flatlands Avenue and Williams Avenue in Brooklyn.

§ 87(2)(b) alleged that PO Lee referred to him as an "asshole" during a verbal exchange at the operation staging area. PO Lee further stated that he did not use profanity against any prisoner. PO Lee did not remember the incident and therefore cannot provide information related to the allegation. § 87(2)(b) alleged that PO Daughtry inappropriately accused him of relying on a benefits card and living in the projects. PO Daughtry acknowledged that he briefly interacted with § 87(2)(b) at the location but denied

making any offensive comments regarding § 87(2)(b)'s financial and living situation. PO Daughtry and PO Zappia both stated that § 87(2)(b) was the only party using profanity. PO Zappia did not recall any officer respond to § 87(2)(b)'s verbal statements. Lt. Winters and Sgt. Karimzada did not witness any officer or civilian use profanity or make offensive comments to § 87(2)(b) at the staging area. § 87(2)(b) also alleged that he saw PO Lee look through the armrest and the glove compartment, as well as open and search the trunk of his car, while it was parked at the staging area. PO Lee stated that his only role within the chase team and was to drive the car to the staging area. PO Lee did not recall if he personally drove § 87(2)(b)'s vehicle to the staging area and denied personally searching any. It is undisputed among testimony from officers at the scene that the perpetrator's car would be driven to the staging area by a member of the chase team. Lt. Winters, Sgt. Karimzada, and PO Daughtry who on that night was assistant to the Commanding Officer stated that no searches would be done to the perpetrator's vehicle at the arrest location; if the vehicle was to be vouchered, then a thorough inventory search would be done only at the precinct stationhouse. The operation roll call listed a total of nineteen officers assigned to the prostitution sting. The seven officers who were interviewed were all those named or described by § 87(2)(b). Those seven officers represented different roles in the operation and, with the exception of PO Alvarez, all acknowledged being present at the staging area at various points during the night. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation D: On September 29, 2011, an officer spoke obscenely to § 87(2)(b) at Flatlands Avenue and Williams Avenue in Brooklyn.

§ 87(2)(b) alleged that an unidentified officer for whom he could provide no physical description referred to him as an "asshole" during a verbal exchange at the staging area. Similar to the analysis of the preceding allegation, seven of the nineteen officers who were assigned to the prostitution sting in various roles, and who acknowledged being present at the staging area at various points of the night, were interviewed. No officer testified that they heard another officer use profanity at the location. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation E: On October 1, 2011, PO Kaz Daughtry did not process § 87(2)(b)'s complaint regarding an officer at the 75th Precinct stationhouse.

Allegation F: On October 1, 2011, PO Kaz Daughtry threatened to arrest § 87(2)(b) at the 75th Precinct stationhouse.

§ 87(2)(b) stated that after he informed PO Daughtry that he wanted to file a complaint against him at the 75th Precinct stationhouse, PO Daughtry allegedly told him to call 311, gave him the complaint forms, and told § 87(2)(b) to get out. § 87(2)(b) then insisted to PO Daughtry he had the right to file a complaint at the stationhouse. PO Daughtry allegedly responded, "If you don't get out, I'm going to lock you up," and subsequently pushed § 87(2)(b) three times out the door. PO Daughtry stated that he was working near the front area of the stationhouse at the time of the second incident but did not recall interacting with § 87(2)(b) following his arrest on September 29, 2011. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Team: _____

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Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date